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9 Attorneys for Plaintiff
10 VMG SALSOUL, LLC

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA
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14 VMG SALSOUL, LLC, a Delaware
15 limited liability company,

16 Plaintiff,

17 vs.

Case No. CV-14-2212

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

DEMAND FOR JURY TRIAL

18 RICHARD MELVILLE HALL pka
19 MOBY, an individual; KNITTING
20 FACTORY RECORDS, INC., a New York
21 corporation; SONY/ATV MUSIC
22 PUBLISHING, LLC, a Delaware limited
23 liability company; WARNER MUSIC
24 GROUP CORP. a Delaware corporation;
25 and DOES 1 through 10, inclusive.

26 Defendants.
27 /

28 Plaintiff VMG SALSOUL, LLC, for its Complaint against Defendants, and
each of them, alleges as follows:

PARTIES

1. Plaintiff VMG SALSOUL, LLC ("VMG") is a limited liability
company organized and existing pursuant to the laws of Delaware.

2. On information and belief, Defendant RICHARD MELVILLE HALL
("MOBY") is an individual resident of the State of California.

1 the song entitled "Let No Man Put Asunder" performed by First Choice.

2 The Infringing Songs

3 11. The song entitled "Next is the E" performed by Moby was released in
4 1992. "Next is the E" contains samples from "Let No Man Put Asunder" which
5 were neither authorized nor licensed.

6 12. The song entitled "Thousand" performed by Moby was released in
7 1992. "Thousand" also contains unauthorized samples from "Let No Man Put
8 Asunder."

9 FIRST CLAIM FOR RELIEF

10 (Copyright Infringement Against All Defendants)

11 13. Plaintiff repeats and incorporates by reference the allegations
12 contained in Paragraphs 1 through 12 above, as though fully set forth.

13 14. Defendants, and each of them, have infringed the copyright in the
14 composition of "Let No Man Put Asunder" by incorporating portions of it into
15 "Next is the E" and "Thousand" without authorization. Defendants have
16 published, manufactured, distributed, sold and licensed copies of "Next is the E"
17 and "Thousand" incorporating substantial portions of "Let No Man Put Asunder."
18 Defendants never secured authorization for the use of "Let No Man Put Asunder"
19 in "Next is the E" or "Thousand."

20 15. Defendants have continuously sold and otherwise exploited "Next is
21 the E" and "Thousand" since they were first released in 1992.

22 16. As a direct and proximate result of Defendants' infringement,
23 Plaintiff is entitled to its actual damages in addition to Defendants' profits that are
24 attributable to the copyrighted material; alternatively, Plaintiff is entitled to
25 statutory damages for infringement in the maximum statutory amount allowed.

26 17. Defendants' conduct was willful with full knowledge of and complete
27 disregard for Plaintiff's rights. If Plaintiff should elect to pursue statutory
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1 damages, Plaintiff will also seek an increased award of the maximum of
2 \$150,000.00 per infringement based on Defendants' willful infringement.

3 18. As a direct and proximate result of Defendants' infringement,
4 Plaintiff has incurred attorneys' fees and costs, in an amount according to proof,
5 which are recoverable under the provisions of 17 U.S.C. §505.

6 WHEREFORE, Plaintiff prays for relief as follows:

7 1. For all damages suffered by Plaintiff and Defendants' profits which
8 are attributable to the use of the musical composition of "Let No Man Put
9 Asunder" according to proof; or alternatively, for statutory damages for willful
10 infringement of \$150,000 per infringement;

11 2. For a permanent injunction against Defendants, and each of them,
12 preventing them from further manufacture, distribution, selling or otherwise
13 exploiting or profiting in any way from the use of "Next is the E" or "Thousand."

14 3. For reasonable attorneys' fees pursuant to 17 U.S.C. 505;

15 4. For costs of suit incurred herein; and

16 5. Such other or further relief as the Court may deem just and proper.

17 Dated: March 21, 2014

18 LAW OFFICES OF ROBERT S. BESSER

19 By


20 ROBERT S. BESSER

21 Attorneys for Plaintiff VMG SALSOUL, LLC
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DEMAND FOR JURY TRIAL

Plaintiff, VMG Salsoul, LLC hereby demands a trial by jury in the above matter.

Dated: March 21, 2014

LAW OFFICES OF ROBERT S. BESSER

By 
ROBERT S. BESSER
Attorneys for Plaintiff VMG SALSOUL, LLC